

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

VIDA CHARTER SCHOOL
Employer

and

Case 05-RC-197557

VIDA EDUCATION ASSOCIATION &
SUPPORT PROFESSIONALS, PSEA/NEA
Petitioner

ORDER

The Employer's request for review of the Acting Regional Director's Decision and Direction on Challenges¹ is denied as it raises no substantial issues warranting review.² The Employer's "Emergency Motion to Stay All Proceedings and Impound the Ballots" is denied as moot.

LAUREN McFERRAN, MEMBER

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., October 24, 2017.

¹ Although the document is titled "Employer's Request for Review of the Regional Director's Decision and Direction of Election," it is clear from the content that it is a Request for Review of the Decision and Direction on Challenges issued by the Acting Regional Director on September 22, 2017.

² In rejecting the Employer's exceptions to the hearing officer's credibility resolutions, the ARD inadvertently cited *Standard Dry Wall Products*, 91 NLRB 544 (1950), which applies in unfair labor practice cases. In denying review, we instead rely on *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957), which applies to credibility resolutions in representation cases.

In overruling the challenge to the ballot of Office Manager Melissa Turner, we note that the Employer's assertion that Turner should be excluded as an office clerical, raised for the first time in its Request for Review, is untimely. Pursuant to the Board's Rules and Regulations, Section 102.67(e), "[a] request for review [of a Regional Director's actions] may not raise any issue or allege any facts not timely presented to the Regional Director."

Member Emanuel also notes that no party challenges the Board's jurisdiction over the Employer.